

### **REMARKS/ARGUMENTS**

Claims 1-8 are currently pending in this application. Claims 9-16 have been added. No new matter has been incorporated as a result of these amendments. The current application is a continuation-in-part of US Patent Application serial number 09/440,360 filed November 15, 1999, now US Patent number 6,088,263, which is a division of US patent application 09/189,249 filed November 10, 1998, now US Patent number 6,026,017, which is a continuation-in-part of US application 08/838,854 filed April 11, 1997, now US Patent number 5,867,425. Accordingly, the current application has a priority date of April 11, 1997, which pre-dates the priority date of US patent 6,114,724 to Ratnakumar. Applicant respectfully requests that the rejections to the claims be removed since the reference relied on by the Examiner is not prior art, as the current application has an earlier priority date.

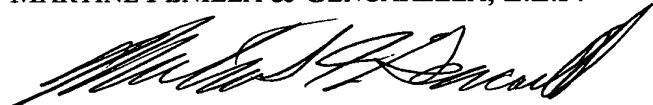
### **Rejections Under 35 USC 102**

As mentioned above, claims 1-8 are not anticipated by US patent 6,114,724 to Ratnakumar as the current application claims priority to an application pre-dating US patent 6,114,724 to Ratnakumar. Claims 9-16 have been added. Claim 9 includes the feature of forming a drain and a pair of sources by implantation using said stacked control gates as a mask, so that substrate electrons are supplied from one of the pair of sources of a first memory cell through an underlying channel of a second memory cell along a path from the one of the pair of sources to the underlying channel, wherein a width of the path is greater than a width of one of the pair of memory cells. Applicants respectfully submit that nowhere does Ratnakumar, even if it were a valid reference, disclose or suggest that substrate electrons are supplied from one of the pair of sources of a first memory cell through an underlying channel of a second memory cell along a path from the one of the pair of sources to the

underlying channel, wherein a width of the path is greater than a width of one of the pair of memory cells. Thus, claims 9-16 are patentable for at least these reasons. The above-mentioned features are fully supported by Figures 3 and 11, and the corresponding text of the present application.

In view of the foregoing, Applicants respectfully submit that all of the pending claims are in condition for allowance. A notice of allowance is respectfully requested. In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 774-6921. If any fees are due in connection with the filing of this paper, then the Commissioner is authorized to charge such fees to Deposit Account No. 50-0805 (Order No. ALTEP015.CIP2). A copy of the transmittal is enclosed for this purpose.

Respectfully submitted,  
MARTINE PENILLA & GENCARELLA, L.L.P.

A handwritten signature in black ink, appearing to read "Michael L. Gencarella", written over a horizontal line.

Michael L. Gencarella, Esq.  
Reg. No. 44,703

710 Lakeway Drive, Suite 200  
Sunnyvale, California 94085  
Telephone: (408) 749-6900  
**Customer Number 45640**